

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

UNITED STATES OF AMERICA

VS.

CRIMINAL No. 3:06-cr-60-TSL-JSC

RAFAEL RIOS

**ORDER AMENDING RESTITUTION ORDER
TO ESTABLISH MONTHLY REPAYMENT SCHEDULE**

THIS CAUSE came before the Court on the motion of the Defendant, Rafael Rios, to amend the restitution order in this case and to establish a monthly repayment schedule for the restitution in this case. The Court having reviewed the motion and noting that the Government does not oppose the motion, finds that the motion is well founded and hereby grants the motion on the following basis:

1. The Court directed that the Defendant pay all of the restitution due and owing in this case in a lump-sum on or before January 10, 2009. The total amount of restitution ordered to be paid by that date was \$36,920.03.

2. At the sentencing, the Defendant explained to the Court that he was engaged in the real estate development business and expected a number of projects to close by year's end, which would generate significant payments to the Defendant.

3. The Court takes judicial notice of the well documented fact that both the general economy and the real estate development sector of the economy in particular have taken a drastic downturn since the Defendant was sentenced on August 29, 2008.

4. The significant downturn in the real estate development sector of the economy – from which the Defendant expected to receive the funds to satisfy fully his restitution obligation in January 2009 – constitutes a material change in his economic circumstances that directly affects

his ability to pay restitution on the lump-sum basis which the Court directed that he do in the Judgment in this case. *See* 18 U.S.C. § 3664(k).

5. Accordingly, the Court finds that there is a proper basis for converting the Defendant's lump-sum restitution obligation to a monthly payment schedule based upon a review of the Defendant's financial circumstances by his supervising Probation Officer.

6. The record reflects that as of this date, the Defendant has paid a total of \$5,000.00 toward his outstanding restitution obligation in this case, leaving a balance of \$31,920.03 to be paid. The Defendant's supervising Probation Officer is hereby ordered to conduct a review of the Defendant's financial circumstances and to establish a monthly payment schedule providing for monthly payments of not less than \$1,000.00 per month on the Defendant's outstanding restitution obligation in this case unless, in the opinion of the supervising Probation Officer, the Defendant's current financial circumstances do not permit him to make payments of \$1,000.00 per month toward his restitution.

7. The supervising Probation Officer shall report back to the Court once a review has been made of the Defendant's current financial circumstances regarding the Defendant's ability to make monthly payments in the amount of \$1,000.00 toward his outstanding restitution.

SO ORDERED AND ADJUDGED this 12th day of February, 2009.

/S/ TOM S. LEE
UNITED STATES DISTRICT JUDGE